

Serial No. 09/125,958

Filed: August 26, 1998

**REMARKS**

Claims 5-8, 11-17, 25, 26, 37, 38, 40-48, 50-57 and 59-64 are pending in the present application. Claims 7, 8, 13-17, 25, 26, 37, 38, 40-48, 50-57 and 59-64 have been allowed. Claims 5, 6, 11, 12, 17, 25 and 60 presently stand rejected.

**Interview Summary**

The Applicants thank the Examiner for the courtesies extended to the undersigned attorney during the telephone interview on July 7, 2004. During the interview, the Examiner indicated that paragraphs 2 and 4 of the Detailed Action mailed on April 30, 2004 erroneously indicated that Claim 7 was rejected instead of Claim 6. The Examiner further indicated that Claim 6 was correctly indicated as rejected in the Office Action Summary mailed on April 30, 2004. Also during the interview, the cited prior art was discussed in view of the features recited in the claims.

**Claim Rejections pursuant to 35 U.S.C. §102(e)**

Claims 5, 6, 11, 12, 17, 25 and 60 stand been rejected pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,774,812, to Hargrave al. (hereinafter referred to as "Hargrave"). Applicants traverse these rejections for at least the following reasons.

Hargrave is directed to a voting method that receives multiple redundant messages from multiple respective receivers and outputs a message. (Col. 3 lines 14-23) The messages are received by and output from a voter device. (Col. 3 lines 14-23) The message output by the voter device may be one of the redundant messages or assembled portions of the redundant messages. (Col. 3 lines 14-23)

More specifically, Hargrave teaches receipt of frames of the redundant messages from the respective receivers, and the use of voting to determine reference frames to be used in the

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message output by the voting device. (Col. 3 lines 58-60 and Col. 4 lines 6-12). Frames in the messages are identified by frame numbers, so that redundant frames in the redundant messages received by the voting device are identified with the same frame number. (Col. 3 lines 36-39)

The frame numbers are assigned by a communication unit transmitting the same message to multiple receivers. (Col. 3 lines 36-39) The frame numbers assigned to the frames within the messages are maintained as unique by assigning frame numbers for more frames than could be transmitted during the largest differential delay in the communication system. (Col. 3 lines 40-44) The differential delay is defined by Hargrave as "delays between reception of the same frame or message from different receivers." (Col. 1 lines 32-34) In other words, Hargrave teaches assignment of enough different frame numbers so that none of the different messages currently being transmitted will have the same frame numbers.

The messages output by the voting device of Hargrave are triggered by a criterion established for each of the messages. (Col. 4 lines 13-17) Hargrave teaches that the criterion can be a determined period of time or a determined number of frame votings. (Col. 3 lines 61-63 and 67 and Col. 4 lines 1-4) Accordingly, the voting device will continue to receive and vote redundant frames until either a determined period of time is reached, or until a determined number of redundant frames are voted. (Col. 4 lines 18-23)

As was discussed with the Examiner, Hargrave fails to teach, suggest or disclose that a frame number is determined according to an expected delay time of a frame as disclosed by Claim 5. In addition, as was further discussed with the Examiner, Hargrave fails to teach, suggest or disclose a frame synchronizer for executing a frame synchronization adjustment referring to a frame number of a frame as disclosed by Claims 6, 12, 17 and 25. Hargrave also fails to teach, suggest or disclose adjusting synchronization of an uplink frame on the basis of an estimated delay due to communication between a base station and a switching center and a

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frame number added to the received uplink frame by the switching center as described in Claim 60.

In fact, Hargrave teaches only that the frame numbers are unique to the extent that more frames than could be transmitted during the largest differential delay in the communication system are assigned unique frame numbers, as previously discussed. Not only does Hargrave fail to even consider using a frame number for anything other than a unique identifier of a frame within a message, but also clearly fails to disclose that the frame number is determined according to an expected delay time of a frame as disclosed by Claim 5. In fact, the only time-based teaching in Hargrave is related to how long the voting device will continue to vote the frames identified with the same frame number that are received by the voting device.

Hargrave also fails to teach, suggest or disclose that an expected delay time is updated as disclosed by Claims 11 and 12. In addition, Hargrave fails to teach, suggest or disclose a plurality of radio transmitters that transmit frames transmitted through transmission routes at timings determined by the frame number attached thereto as disclosed in Claim 17. Further, Hargrave fails to teach, suggest or disclose that an expected delay time is determined according to a difference in timing between a frame number attached to a frame received in the past, and an actual time of reception of the same frame as disclosed by Claim 25.

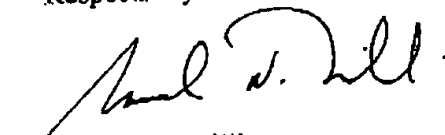
For at least the foregoing reasons, Applicants respectfully request removal of the 35 U.S.C. §102(e) rejection of claims 5, 6, 11, 12, 17, 25 and 60. Applicants believe that claims 5, 6, 11, 12, 17, 25 and 60 are allowable in their present form and that this application is in condition for allowance. Accordingly, it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. Should the Examiner deem a telephone conference to be beneficial in expediting allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below. No fees are

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believed to be due at this time, however, should any fees be deemed required, please charge such fees therefor to Deposit Account No. 23-1925.

Respectfully submitted,



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